



IN THE
UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANT: Keith Rose et. al.
SERIAL NO: 09/502,313
FILING DATE: 2/11/2000
TITLE: METHOD AND APPARATUS FOR RECEIVING A SUBSCRIPTION
FOR A SECURITY
GROUP ART UNIT: 3624
ATTY DOCKET NO: 1142
EXAMINER: Campen, Kelly

CERTIFICATION OF MAILING

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Date: 5/13/2005


Iesan Tsai

THE HONORABLE COMMISSIONER OF PATENTS, ALEXANDRIA, VA 22313

REPLY BRIEF UNDER 37 C.F.R. 1.193

SIR:

Responsive to Examiner's Answer mailed 5/9/2005

Examiner has provided the provisional applications, and, as Applicants had suspected, there is no support meeting the standards of 35 U.S.C. 112 in D'Amico's provisional application for paragraph 0047 on page 3 of the published application. Thus, the earliest date for that paragraph is the filing date of D'Amico's published application, not the filing date of D'Amico's provisional application. D'Amico's published application was filed February 9, 2001. The present application was filed February 11, 2000. Thus, D'Amico is not prior to the present application and cannot be used in a rejection.

Examiner admits on page 5, lines 10-11, of Examiner's reply that Stewart does not teach or suggest the claimed feature for which D'Amico is used, and therefore, the cited references do not teach or suggest all of the claimed features of the invention.

The cited portions of Stewart also do not find support in its provisional applications. 60/168273 contains a short summary that does not teach someone skilled in the art how to make and use the invention: it simply contains the barest summary of an invention, stating in conclusory terms what the invention will do in a slightly-more-than one page summary, while omitting how to make or use the invention at all. A requirements document appended to the

application again states in conclusory terms what is desired, but has no description of how to make or use anything. 60/168276 appears to be an unrelated invention for electronic checks that appears to suffer from the same lack of enabling description. PCTUS00/42416 was filed November 3, 2000, which is after Applicant's February 2000 filing date, and so is US2003/0135457A1, filed September 6, 2002. Thus, Stewart, which is not even asserted to disclose all the features of the present invention, is not prior art against the present application.

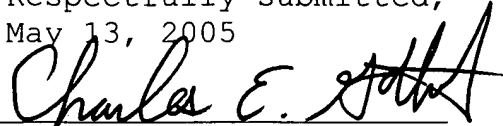
Thus, neither reference is prior art to the present application. If any one of the references is not prior art, the rejection should be overturned. Here, *both* references are not prior art to the present application. And Examiner has made no attempt to show that the cited portions of the published patent applications are entitled to anything earlier than their actual filing dates.

There being nothing on which a proper rejection can be sustained, the board is urged to overturn the rejection.

Respectfully submitted,

May 13, 2005

By:

A handwritten signature in dark ink, appearing to read "Charles E. Gottlieb", written over a horizontal line.

Charles E. Gottlieb

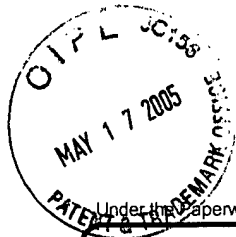
Registration No. 38,164

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EFL

PTO/SB/21 (modified) (04-04)

Approved for use through 04/30/2003. OMB 0651-0031

U.S. Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

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TRANSMITTAL FORM (to be used for all correspondence after initial filing)	Application Number	09/502,313	
	Filing Date	2/11/2000	
	First Named Inventor	Keith Rose	
	Art Unit	3624	
	Examiner Name	Campen, Kelly	
Total Number of Pages in This Submission	6	Attorney Docket Number	1142

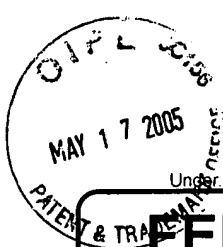
ENCLOSURES (Check all that apply)		
<input checked="" type="checkbox"/> Fee Transmittal Form	<input type="checkbox"/> Assignment Papers (for an Application)	<input type="checkbox"/> After Allowance Communication to Technology Center (TC)
<input type="checkbox"/> Fee Attached	<input type="checkbox"/> Drawing(s)	<input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences
<input type="checkbox"/> Amendment / Reply	<input type="checkbox"/> Licensing-related Papers	<input checked="" type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief)
<input type="checkbox"/> After Final	<input type="checkbox"/> Petition	<input type="checkbox"/> Proprietary Information
<input type="checkbox"/> Affidavits/declaration(s)	<input type="checkbox"/> Petition to Convert to a Provisional Application	<input type="checkbox"/> Status Letter
<input type="checkbox"/> Extension of Time Request	<input type="checkbox"/> Power of Attorney, Revocation	<input checked="" type="checkbox"/> Other Enclosure(s) (please identify below):
<input type="checkbox"/> Express Abandonment Request	<input type="checkbox"/> Change of Correspondence Address	Postcard
<input type="checkbox"/> Information Disclosure Statement	<input type="checkbox"/> Terminal Disclaimer	
<input type="checkbox"/> Certified Copy of Priority Document(s)	<input type="checkbox"/> Request for Refund	
<input type="checkbox"/> Response to Missing Parts/Incomplete Application	<input type="checkbox"/> CD, Number of CD(s) _____	
<input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53	Remarks	

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT	
Firm or Individual name	Charles E. Gottlieb
Signature	
Date	May 13, 2005

CERTIFICATE OF TRANSMISSION/MAILING	
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Typed or printed name	Iesan Tsai
Signature	
Date	May 13, 2005

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FEE TRANSMITTAL for FY 2004

Effective 10/01/2003. Patent fees are subject to annual revision

☐ Applicant claims small entity status. See 37 CFR 1.27TOTAL AMOUNT OF PAYMENT (\$)**0****Complete if Known**

Application Number	09/502,313
Filing Date	2/11/2000
First Named Inventor	Keith Rose
Examiner Name	Campen, Kelly
Art Unit	3624
Attorney Docket No.	1142

METHOD OF PAYMENT (check all that apply)☐ Check ☒ Credit card ☐ Money Order ☐ Other ☐ None☐ Deposit Account:Deposit
Account
Number
Deposit
Account
Name

07-1738

Charles E. Gottlieb

The Director is authorized to: (check all that apply)

☒ Charge fee(s) indicated below ☒ Credit any overpayments☐ Charge any additional fee(s) during the pendency of this application☐ Charge fee(s) indicated below, except for the filing fee to the above-identified deposit account.**FEE CALCULATION****1. BASIC FILING FEE**

Large Entity		Small Entity		Fee Description	Fee Paid
Fee Code	Fee (\$)	Fee Code	Fee (\$)		
1001	790	2001	395	Utility filing/search/exam	
1002	350	2002	175	Design filing/search/exam	
1003	550	2003	275	Plant filing/search/exam	
1004	790	2004	395	Reissue filing/search/exam	
1005	200	2005	100	Provisional filing fee	
SUBTOTAL (1)				(\$)	

2. EXTRA CLAIM FEES FOR UTILITY AND REISSUE

Total Claims	16	- 20** =		X		=	
Independent Claims	2	- 3** =		X		=	
Multiple Dependent						=	

Large Entity		Small Entity		Fee Description	Fee Paid
Fee Code	Fee (\$)	Fee Code	Fee (\$)		
1202	50	2202	25	Claims in excess of 20	
1201	200	2201	100	Independent claims in excess of 3	
1203	360	2203	180	Multiple dependent claim, if not paid	
1204	88	2204	44	**Reissue independent claims over original patent	
1205	18	2205	9	**Reissue claims in excess of 20 and over original patent	
SUBTOTAL (2)				(\$)	

**or number previously paid, if greater; For Reissues, see above

FEE CALCULATION (continued)**3. ADDITIONAL FEES**

Large Entity		Small Entity		Fee Description	Fee Paid
Fee Code	Fee (\$)	Fee Code	Fee (\$)		
1051	130	2051	65	Surcharge-late filing fee or oath	
1052	50	2052	25	Surcharge - late provisional filing fee or cover sheet	
1053	130	1053	130	Non-English specification	
1812	2520	1812	2520	For filing a request for <i>ex parte</i> reexamination	
1804	920	1804	920	Requesting publication of SIR prior to Examiner action	
1805	1840	1805	1840	Requesting publication of SIR after Examiner action	
1251	120	2251	60	Extension for reply within first month	
1252	450	2252	225	Extension for reply within second month	
1253	1020	2253	510	Extension for reply within third month	
1254	1590	2254	795	Extension for reply within fourth month	
1255	2160	2255	1080	Extension for reply within fifth month	
1401	500	2401	250	Notice of Appeal	
1402	500	2402	250	Filing a brief in support of an appeal	
1403	1000	2403	500	Request for oral hearing	
1451	1510	1451	1510	Petition to institute a public use proceeding	
1452	500	2452	250	Petition to revive - unavoidable	
1453	1500	2453	750	Petition to revive - unintentional	
1501	1400	2501	700	Utility issue fee (or reissue)	
1502	800	2502	400	Design issue fee	
1503	1100	2503	550	Plant issue fee	
1460	130	1460	130	Petitions to the Commissioner	
1807	50	1807	50	Processing fee under 37 CFR 1.17(q)	
1806	180	1806	180	Submission of Information Disclosure Stmt	
8021	40	8021	40	Recording each patent assignment per property (times number of properties)	
1809	790	2809	395	Filing a submission after final rejection (37 CFR 1.129(a))	
1810	790	2810	395	For each additional invention to be examined (37 CFR 1.129(b))	
1801	790	2801	395	Request for Continued Examination (RCE)	
1802	900	1802	900	Request for expedited examination of a design application	

Other fee (specify)

*Reduced by Basic Filing Fee Paid

SUBTOTAL (3) (\$)

SUBMITTED BY

Name(Print/Type)	Charles E. Gottlieb	Registration No. (Attorney/Agent)	38,164	Telephone	650-328-0100
Signature		Date	5/13/2005		

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